

REMARKS

At page 2 of the instant Office Action, the Examiner has required restriction among three groups of inventions, namely claims 1, 46-76 and 85-86, drawn to a fluid comprising a methyl amine, a flavonolignana, digestible carbohydrates and/or minerals (Group I); claims 77-83 and 88-89, drawn to a process of said fluid (Group II); and claims 84 and 87, drawn to a process of making said fluid (Group III).

Applicants respectfully traverse the restriction requirement based upon the amended claims now presented. Applicants have cancelled claims 1, 56-60, and 88. Applicants believe that the subject matter of claims 46-55, 61-87 and 89 is interrelated to the extent that a search and examination of the subject matter of those claims in the same application would not be overly burdensome.

Notwithstanding, Applicants elect the invention of Group I, claims 46-55, 61-76 and 85-86 for prosecution on the merits.

Further, the Examiner is requiring Applicants to elect a single disclosed species from each of (i) methyl amine + digestible carbohydrates + minerals, (ii) flavonolignan + digestible carbohydrates + minerals or (iii) methyl amine + flavanolignan + digestible carbohydrates + minerals under the instant claims of the elected Group. At the outset, Applicants note that the Examiner has listed "methionine" as a species of a methyl amine. Applicants note that the methyl group of methionine is bound to the sulfur and not to the amine group.

Further, Applicants have amended claim 46 to recite a methyl amine, a digestible carbohydrate and a mineral. The methylamine is selected from either dimethyl glycine or sarcosine. Accordingly, Applicants respectfully submit that the claim amendment obviates any required species

election for the term "methyl amine." Nevertheless, to comply with the species election requirement, Applicants select dimethylglycine.


Also, the mineral is selected from either calcium or magnesium. Accordingly, Applicants respectfully submit that the claim amendment obviates any species election for the term "mineral." Nevertheless, to comply with the species election requirement, Applicants select calcium.

Finally, Applicants respectfully submit that the term "digestible carbohydrate" is readily searchable by the Examiner. Notwithstanding, Applicants select polysaccharides.

Given the selected species, Applicants believe that claims 46-55, 61-76 and 85-86 read on the elected species with claim 46 being generic. Given the amendment to the claims with respect to the methyl amine and the mineral, Applicants respectfully submit that no species election is required for the Examiner to successfully search and examine the claimed subject matter. Accordingly, Applicants respectfully request that the Examiner withdraw the present species election requirement.

Respectfully submitted,

Dated: February 21, 2006



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